

9-40.000

BANK FRAUDS AND RELATED OFFENSES -- POLICY

The Criminal Division's Fraud Section has supervisory authority over the bank fraud statutes. Prior approval from the Fraud Section for an indictment under the bank fraud statutes is not required. The Fraud Section has published a manual on the prosecution of financial institution fraud entitled *Financial Institution Fraud Federal Prosecution Manual* (1994) (FIF Manual), which has been distributed to all United States Attorneys' offices.

The Criminal Resource Manual is another source of information on the laws used to prosecute bank fraud

Embezzlement, Abstraction, Purloining or Willful Misapplication -- 18 U.S.C. §§ 656 and 657	Criminal Resource Manual at 801
Applicability of 18 U.S.C. §§ 656 and 657	Criminal Resource Manual at 802
Actions Proscribed	Criminal Resource Manual at 803

Examples of Misapplications

Loans to Uncreditworthy Borrowers and/or Insufficiently Collateralized	Criminal Resource Manual at 805
Nominee Loans	Criminal Resource Manual at 806
Check Kiting	Criminal Resource Manual at 807
Compensating Balances	Criminal Resource Manual at 808

Elements of Misapplication

Loss to the Bank	Criminal Resource Manual at 809
Bank Funds	Criminal Resource Manual at 810
Duplicity and Multiplicity Issues	Criminal Resource Manual at 811
Aiding and Abetting	Criminal Resource Manual at 812

False Statements (18 U.S.C. § 1014)

Elements of Offense of False Statements	Criminal Resource Manual at 814
Check-Kite Cases	Criminal Resource Manual at 815

False Entries (18 U.S.C. §§ 1005 and 1006)

Applicability	Criminal Resource Manual at 816
Bank Holding Companies	Criminal Resource Manual at 817
Actions Proscribed	Criminal Resource Manual at 818

False Entries	Criminal Resource Manual at 821
Book, Report, or Statement	Criminal Resource Manual at 822
Intent	Criminal Resource Manual at 823
Participation	Criminal Resource Manual at 824
Bank Fraud (18 U.S.C. § 1344)	Criminal Resource Manual at 825
Applicability of 18 U.S.C. § 1344	Criminal Resource Manual at 826
Multiplicity	Criminal Resource Manual at 827
Elements of Offense of Bank Fraud	Criminal Resource Manual at 828
 Bank Bribery (18 U.S.C. §215) Generally	
Bribe Offerer or Payer, 18 U.S.C. § 215(a)(1)	Criminal Resource Manual at 829
Corrupt Bank Officer, 18 U.S.C. § 215(a)(2)	Criminal Resource Manual at 830
Definitions, 18 U.S.C. § 215(b)	Criminal Resource Manual at 831
Elements of Bank Bribery (18 U.S.C. § 215)	Criminal Resource Manual at 832
Intent of the Parties	Criminal Resource Manual at 833
Penalties for Bank Bribery	Criminal Resource Manual at 834
Prosecutive Considerations in Bank Bribery Cases	Criminal Resource Manual at 835
Mail/Wire Fraud Affecting Financial Institution	Criminal Resource Manual at 836
	Criminal Resource Manual at 837